

MEMO ENDORSED

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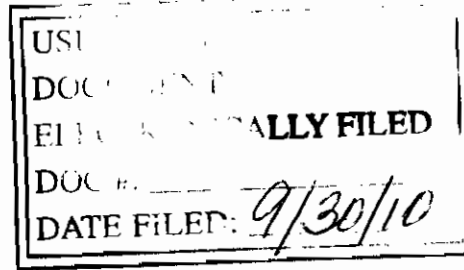
SEP 28 2010



September 24, 2010

Via Fax 212-805-7930/Conf. by Mail

Hon. Judge James C. Francis
Daniel Patrick Moynihan Courthouse
United States District Court
For the Southern District of New York
500 Pearl Street, Room
New York, NY 10007



Re: It's a 10, Inc. et al. v. Ph Beauty Labs et al.
(S.D.N.Y. 10 CV 972 (RWS))

Dear Judge Francis:

We represent the Plaintiffs in the referenced action.

The case is presently scheduled for a settlement conference on October 1, 2010.

The parties are jointly contacting the Court to request an adjournment of the October 1, 2010 conference date in view of the fact that the parties have been in settlement negotiations and have reached terms that they believe will allow them to shortly finalize a settlement without the assistance of the Court. This is the first request for adjournment of this conference.

Therefore, we request that the October 1, 2010 conference be adjourned and the parties be allowed to conclude settlement and advise the Court of the status of settlement no later than October 15, 2010. //

9/30/10
Application granted.
SO ORDERED.

Regards,

James C. Francis *Ed Kelly*
James C. Francis Edward P. Kelly

Cc: Walter Michael Lee, Esq.

Brian Brokate, Esq.

Attorneys for Defendants pH Beauty & Bed, Bath & Beyond (via fax)

Arlana Cohen, Esq.

Attorney for Defendant Pathmark Stores, Inc.